

II. REMARKS/ARGUMENTS

A. Status of Claims

Claims 50, 57-58, and 65 have been withdrawn from the consideration as not encompassed by the elected species.

Claims 1-37 and 39-46 were previously cancelled without prejudice.

Claims 38, 47-49, 51-56, and 59-64 will be under consideration after entry of the present response.

B. Election of Species Requirement

In the Office Action, the Examiner has requested that Applicants elect a single specific "oral dosage form by specifying the specific "release carrier" for each of the drug (i.e., oxycodone and nabumetone) and the specific material for each of the elected "carriers."

In response, Applicants elect hereby, without traverse, a dosage form of nabumetone in an immediate release form and oxycodone in a sustained release form, as the species of the dosage form.

Applicants further elect, without traverse, alkylcellulose as the species of the specific sustained release material for oxycodone.

The Examiner has also requested that Applicants elect either a dosage form with or without particles.

In response, Applicants elect hereby, without traverse, a dosage form without particles.

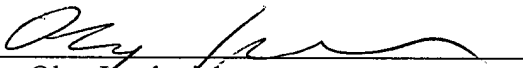
Applicants respectfully submit that claims 38, 47-49, 51-56, and 59-64 are encompassed by the elected species.

III. CONCLUSION

An early and favorable action on the merits is earnestly solicited. The Examiner is respectfully requested to contact the undersigned at the telephone number provided below in the event that a telephonic interview will advance the prosecution of the application.

Respectfully submitted,

DAVIDSON, DAVIDSON & KAPPEL, LLC

By: 
Oleg Ioselevich
Reg. No. 56,963

DAVIDSON, DAVIDSON & KAPPEL, LLC
485 Seventh Avenue, 14th Floor
New York, NY 10018
Tel: (212) 736-1940